

Punishment of disqualification and its control

Abstract

The topic of this diploma thesis is the punishment of the disqualification and its control. The main goal is to describe and evaluate the legal regulation of this punishment in Czech criminal law and its application. This diploma thesis also proposes possibilities for improvements of the regulation in this field.

In the first chapter the thesis deals with the place of the disqualification in the criminal law system, the purpose of this penalty and its possibilities as an alternative non-custodial measure. It also describes other legal institutions in different fields of law which also restrict freedom to perform some activities.

The second chapter is focused on imposing the penalty of the disqualification. This chapter deals with the conditions under which this penalty may be imposed, its content and scope or its length. This part offers a view on application of this punishment via case law and Ministry of Justice statistics.

The third chapter is focused on the specifics of the disqualification imposed on minors and on the differences of the punishment of the disqualification imposed on legal persons.

The fourth chapter analyses the enforcement of judgments imposing punishment of disqualification. In this chapter, attention is paid to the period of punishment of disqualification. This part also explains conditional release from the rest of the sentence or the question of expungement. In the same chapter, attention is paid to the control of enforcement. The reasons of problems with this control are described and discussed and possible improvements are suggested. Special attention is paid to the disqualification from driving motor vehicles.

The diploma thesis begins with introduction where main goals of my work are introduced. At the end of the thesis I summarize and evaluate achieved results.

Keywords:

Punishment, Disqualification, Control of execution of the punishment